

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Nils Peter Nordqvist, et al.

Serial No.: 10/023,264

Filed: December 18, 2001

For: HEARING PROSTHESIS WITH
AUTOMATIC CLASSIFICATION OF THE
LISTENING ENVIRONMENT

Examiner: Ensey, Brian

Group Art Unit: 2615

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT NO FEE REQUIRED
PURSUANT TO CFR § 1.181**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 14, 2006, a Notice of Allowance and Fees Due was issued in connection with the above-identified application. Applicant was given a period of three months to respond or pay the issue fee on or before December 14, 2006. On December 14, 2006 a Request for Continued Examination along with Submission of Formal Drawings (a copy of the response is enclosed) was filed with the USPTO via express mail (Exhibit A).

On May 15, 2007, the Office issued a Notice of Improper RCE, stating that the request was not accompanied by a submission.

On May 24, 2007 a Notice of Abandonment was issued by the Office for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

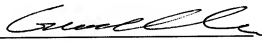
Since the RCE was accompanied with drawings submission, it was properly filed. Also, since the RCE was filed on the due date of issue fee, it was timely filed. Since the RCE was timely and property filed, the Notice of Abandonment was issued in error, and Applicant respectfully requests its withdrawal. Applicant respectfully requests entry of the Request for Continuing Examination and accompanying Formal Drawings as filed on December 14, 2006 and that the file be returned to active status.

Upon returning the application to active status. Applicant respectfully requests that the case (together with the attached Power of Attorney) be forwarded to Attorney Paul Shanoski at the petition office. On August 30, 2006, Decision on Renewed Petition to claim benefit of earlier filing date was issued, by the Office, and Applicant filed a response to Petition decision and request for reconsideration of Petition on September 27, 2006 (Exhibit B). As such, Applicant is waiting to hear back from the petition office regarding the petition to claim benefit of earlier filing date.

No additional fee is considered necessary. However, Applicant authorizes the Commissioner to charge all fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-4047, referencing billing number 7005162001.

Respectfully submitted,

DATE: June 25, 2007

By: 
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